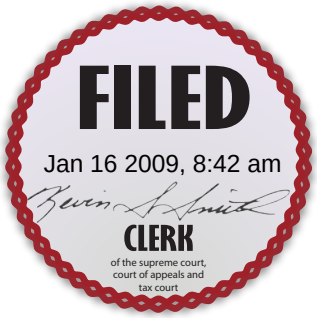

ATTORNEY FOR APPELLANT:

PHILIP R. SKODINSKI
South Bend, Indiana

ATTORNEYS FOR APPELLEE:

STEPHEN R. CARTER
Attorney General of Indiana
Indianapolis, Indiana

ALEX O. JAMES
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

WALTER L. HOSKIN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 71A05-0806-CR-382
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ST. JOSEPH SUPERIOR COURT
The Honorable Jerome Frese, Judge
Cause No. 71D03-0710-FB-00124

JANUARY 16, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

SULLIVAN, Senior Judge

This is a straightforward appeal from a sentence. Walter L. Hoskin (Hoskin) pleaded guilty to Robbery and Attempted Robbery, both Class B felonies. Hoskin also admitted to a probation violation. He was sentenced pursuant to a plea agreement. The agreement called for an eight -year cap on any executed sentence.

The sentence imposed by the court was for eighteen years on each count with ten years suspended on each count.[1] The sentences were to run concurrently. The two sentences, therefore, were in conformity with the plea agreement. The prior probation was "terminated unsuccessfully." Tr. at 15. In addition, the court placed Hoskin upon six years probation "when the defendant is released from custody." Appellant's App. at 9.

On appeal, Hoskin asserts that the sentences are inappropriate in light of the nature of the offense and the character of the offender under Appellate Rule 7 (B). The Record reflects that Hoskin, age twenty-one, approached a vehicle at a gas station, pointed a handgun at the female in the driver's seat, and demanded money. When the male passenger in the front seat exited the car with money in his hand, Hoskin pointed the gun at him, took the money, and left.

At the sentencing hearing, the court noted that the plea bargain was particularly favorable to Hoskin, in light of the sentences that could have been imposed following a trial conviction. The court also noted that at the time of the offense Hoskin was on probation for a D felony conviction, and that in addition to the prior D felony, he had several misdemeanor convictions. The court further stated that "two victims got the

[1] The executed sentence was only two years over the statutory minimum sentence for a Class B felony.

bejesus scared out of them by you, who was the only person that walked up to them." Tr. at 12. The court finally concluded that the aggravators outweighed Hoskin's "expression of remorse and his youth." Tr. at 17.

It is the burden of the defendant-appellant to persuade this court that the sentence is inappropriate. Childress v. State, 848 N.E.2d 1073 (Ind. 2006). Furthermore, Appellate Rule 7 (B) itself requires that we must give "due consideration [to] the trial court's decision." Under the circumstances, we are unable to say that the sentences on the two B felony convictions are inappropriate.

The judgment is affirmed.

MATHIAS, J., and VAIDIK, J., concur.